

**NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.** See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.

**FILED BY CLERK**  
**MAR 11 2009**  
COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	
	)	
Appellee,	)	2 CA-CR 2007-0287
	)	DEPARTMENT B
v.	)	<u>MEMORANDUM DECISION</u>
	)	Not for Publication
DEREK ALBERT CARPENTER,	)	Rule 111, Rules of
	)	the Supreme Court
Appellant.	)	
_____	)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20062417

Honorable Richard S. Fields, Judge

AFFIRMED

Patrick C. Coppen

Tucson  
Attorney for Appellant

B R A M M E R, Judge.

¶1 A jury found Derek Carpenter guilty of unlawful flight from a pursuing law enforcement vehicle. See A.R.S. § 28-622.01. Following a hearing, the trial court found Carpenter had two historical prior felony convictions. The court sentenced him to a mitigated term of 4.5 years' imprisonment, and Carpenter appealed. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz.

530, 2 P.3d 89 (App. 1999), avowing he has reviewed the entire record but “has found no arguable, meritorious issues” to raise on appeal.<sup>1</sup> Carpenter has not filed a supplemental brief.

¶2 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety, and we have found no error warranting reversal. Viewed in the light most favorable to upholding the verdict, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that Carpenter led police on a high-speed chase after officers in a marked patrol vehicle attempted to stop him using the vehicle’s overhead lights and siren; he eventually crashed his car in the desert and attempted to flee on foot. *See* § 28-622.01 (“A driver of a motor vehicle who wilfully flees or attempts to elude a pursuing official law enforcement vehicle that is being operated in the manner described in [A.R.S.] § 28-624, subsection C is guilty of a class five felony.”). Substantial evidence supports his conviction, and the sentence the trial court imposed is within the statutory range authorized for the offense. Therefore, we affirm Carpenter’s conviction and sentence.

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J. WILLIAM BRAMMER, JR., Judge

CONCURRING:

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PETER J. ECKERSTROM, Presiding Judge

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JOSEPH W. HOWARD, Judge

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<sup>1</sup>Counsel has identified several “arguable issues” regarding ineffective assistance of trial counsel, which we may not consider on appeal. *See State v. Spreitz*, 202 Ariz. 1, ¶ 9, 39 P.3d 525, 527 (2002).